

**UNITED STATES DISTRICT COURT
IN THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TERRY A. BAIER,)	
Plaintiff,)	
)	
v.)	
)	Case No. 12 CV 8234
ROHR-MONT MOTORS, INC.,)	
an Illinois corporation d/b/a)	Judge Blakey
Oakbrook Toyota in Westmont,)	
JOHN BARRETT, ALEX SYED,)	
Defendants.)	

**PLAINTIFF'S THIRD SUPPLEMENTAL
PETITION FOR ATTORNEYS' FEES AND COSTS**

Plaintiff, Terry A. Baier ("Plaintiff"), by and through his attorneys, Avery | Kill, LLC, by Annemarie E. Kill, and pursuant to Federal Rule of Civil Procedure 54, files this Third Supplemental Petition for Attorneys' Fees which were incurred from October 6, 2017 through December 5, 2017 in the amount of \$18,715 in fees and \$1,107.17 in costs and further states as follows:

1. Plaintiff's Second Supplemental Petition for Attorneys' Fees and Costs was filed on October 11, 2017. Dkt. #225. In said Petition, Plaintiff's attorneys requested the sum of \$56,372.50 in attorneys' fees incurred from March 30, 2016 through October 5, 2017, and costs of \$1,167.13 for a total of \$57,539.63.
2. Plaintiff was given leave to file this Third Supplemental Petition for Attorneys' Fees as well as a Memorandum of Law which is filed contemporaneously herewith.
3. Plaintiff restates and realleges the paragraphs of the Second Supplemental Petition for Attorneys' Fees and Costs as though fully stated herein.

4. The additional hours claimed by Plaintiff's counsel for the work performed from October 5, 2017 through December 5, 2017 are detailed in the attached **Exhibit A**. The hours and rates are then summarized in **Exhibit B**. The detailed back-up for the costs are attached as **Exhibit C**.¹

5. The additional fees and costs consisted primarily of time spent on further collection proceedings and numerous citations before the Defendants *finally* paid the judgment on October 16, 2017. It also includes issues relative to Rule 54.3 compliance, issues relative to terminating the citations at Defendants' behest, and time spent regarding this Third Supplemental Petition for Attorneys' Fees and Memorandum supporting same.

6. The Court should compensate Plaintiff's counsel given both the reasonableness of the hours and the previously approved rate.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court grant Avery | Kill, LLC's Second Supplemental Petition for Attorneys' Fees and Costs in the amount of **\$56,372.50** in attorneys' fees and **\$1,167.13** in costs incurred from March 30, 2016 through October 5, 2017; and grant its Third Supplemental Petition for Attorney's Fees and Costs in the amount of **\$18,715** in attorneys' fees and **\$1,107.17** in costs incurred from October 6, 2017 to December 5, 2017. These total an award of **\$75,087.50** in attorneys' fees and **\$2,274.30** in costs (or, in the alternative, related nontaxable expenses) for a total of **\$77,361.80**.

/s/ Annemarie E. Kill _____
One of attorneys for Plaintiff

Dated: December 5, 2017

AVERY | KILL, LLC
Annemarie E. Kill (#6229587)
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¹ The back-up for the Lexis legal research costs are not included since Defendants did not object to the Lexis costs in the Joint Statement.

CERTIFICATE OF SERVICE

Annemarie E. Kill certifies that on December 5, 2017 she e-filed the above and foregoing **Plaintiff's Third Supplemental Petition for Attorneys' Fees and Costs** via the case management/electronic case filing system with the Clerk of the U.S. District Court. The parties may access this filing through the Clerk's electronic filing system, and notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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/s/ Annemarie E. Kill

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